

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL MARCEL CARTER,)	
)	
Plaintiff,)	Case No. 1:05-cv-459
)	
v.)	Honorable Richard Alan Enslen
)	
P. KOWATCH, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER OF DISMISSAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. By Order entered July 14, 2005, the Court granted Plaintiff's request to proceed *in forma pauperis* and required Plaintiff to pay an initial partial filing fee of \$8.28 pursuant to 28 U.S.C. § 1915(b)(1). The Court ordered that the initial partial filing fee be paid within thirty days, and warned Plaintiff that his case would be dismissed without prejudice should he fail to pay. The Court also warned Plaintiff that he would remain liable for the filing fee.

Thirty days have now elapsed, and Plaintiff has not paid the fee. Because Plaintiff has failed to comply with the Court's Order, dismissal of this action without prejudice is appropriate. Therefore:

IT IS HEREBY ORDERED that the captioned case is **DISMISSED** without prejudice. Plaintiff shall remain liable for the \$250.00 civil action filing fee.

DATED in Kalamazoo, MI:
September 14, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE